

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JOHN HENRY ALLEN,

Petitioner,

v.

DALLAS COUNTY,

Respondent.

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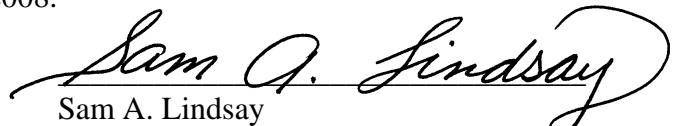
Civil Action No. **3:08-CV-040-L**

ORDER

John Henry Allen (“Petitioner”) filed a Petition for Writ of Habeas Corpus on January 7, 2008. Pursuant to Special Order 3-251, the petition was referred to United States Magistrate Judge Irma C. Ramirez, on January 7, 2008. On May 6, 2008, the Findings, Conclusions, and Recommendation of the United States Magistrate Judge (“Report”) was filed. No objections to the Report have been filed.

This motion is filed pursuant to 28 U.S.C. § 2254. Magistrate Judge Ramirez found that Petitioner failed to exhaust state court remedies before seeking federal habeas relief. Having reviewed the petition, file, record, and the Report in this case, the court determines that the findings and conclusions are correct. The magistrate judge’s findings and conclusions are therefore **accepted** as those of the court. Moreover, Allen’s petition seeks release from the Dallas County Jail. On May 12, 2008, the clerk of the court received returned mail that stated that the Petitioner was “not in [the]Dallas County Jail.” Therefore, the relief sought in Allen’s Petition for Writ of Habeas Corpus is moot. For these reasons, the court **denies** Allen’s Petition for Writ of Habeas Corpus and **dismisses** this case **without prejudice**.

It is so ordered this 22nd day of May, 2008.


Sam A. Lindsay
United States District Judge